

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

**EXMARK MANUFACTURING
COMPANY INC.,**

Plaintiff,

vs.

**BRIGGS & STRATTON POWER
PRODUCTS GROUP, LLC and
SCHILLER GROUNDS CARE, INC.,**

Defendants.

8:10CV187

ORDER

This matter is before the court following a telephone conference with counsel on February 6, 2015. Derek Vandenburg and Joseph W. Winkels represented the plaintiff, Exmark Manufacturing Company Inc. (Exmark). Marc A. Cohn represented the defendant, Briggs & Stratton Power Products Group, LLC (Briggs). Rebecca D. Ward represented the defendant, Schiller Grounds Care, Inc. The court addressed Exmark's counsel's request for clarification of the court's Order (Filing No. 274) regarding the disclosure of a document identified as 206 in Exmark's Privilege Log. The court requested and Exmark provided by facsimile document 206 for *in camera* review. After review, the court finds document 206 is Exmark's "Potential Patent Infringements" list. Therefore, as the list is protected under the attorney-client privilege as explained in the court's Order (Filing No. 274), document 206 is privileged. While Exmark is not compelled to produce the list, Exmark may not assert the attorney-client privilege as to underlying facts in the list, or any of the list's iterations, during the upcoming Rule 30(b)(6) deposition. Exmark's Rule 30(b)(6) deponent should be knowledgeable in the underlying factual content of the list. Exmark's facsimile submission will be separately filed under seal.

IT IS SO ORDERED.

Dated this 6th day of February, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge